Borrowed Bundle No 12

1950

File No. Apt. Bij/50

Examined by

Legal Department

C Branch

Subject:

Apt Bij — Appointment and leave of D.G.P. P.P. and their Assistants from Bijapur District.

C

1.33

File No. Apt Bij/50

367/C

No. 10352 --

Legal Department,

Bombay Castle, 13th September 1949.

To

The Collector of Bijapur.

Subject:- Appointments of Subordinate Government Pleaders in newly formed talukas due to integration of State Areas.

Sir,

I am directed to invite your attention to Government Notification, Political and Services Department No. 3198/46-F-IV, dated the 31st July 1949 specifying areas in which new Civil Courts are established and to request you to be so good as to submit proposals for filling in the posts of Subordinate Government Pleaders at (1) Ramdurg and (2) Jamkhandi through the District Judge Bijapur after inviting applications from the members of the local bar of (1) Ramdurg and (2) Jamkhandi.

2. The claims of any Muslim, Non-Brahmin or backward class pleader, if available, should be considered.

Yours faithfully,

for Secretary to Government.

Copy to -

The District Judge Bijapur.

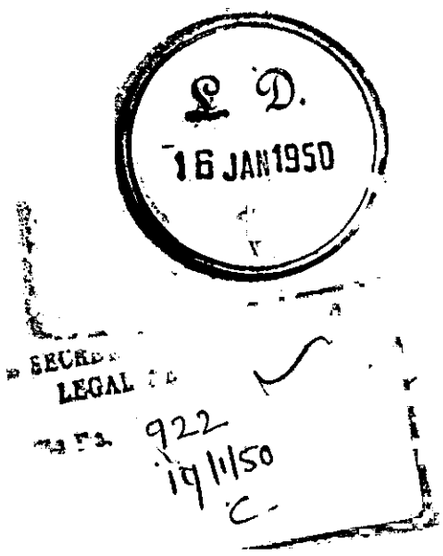
BM.
2.9.

Letter 3 7

No. POL. 904

Camp Muddebihal 10-1-1950

The Secretary to Government.,
Legal Department,Bombay.
BOMBAY.



Subject:- Appointment of subordinate Government Pleaders in newly formed talukas due to - integration of States Areas

Reference:- Your letter No. 10352 of 13-9-1949.

A public notice was issued on 19-9-1949 calling for applications for the posts of Subordinate Government Pleaders from the Ramdurg and Jamkhandi Bars by 10-10-1949. No applications from the Ramdurg Bar have been received. The following six from the Jamkhandi Bar have applied.

1. Mr. V.S.Nargund.
2. Mr. V.R.Deodhar.
3. Mr. M.B.Karandikar.
4. Mr. R.G.Badamikar.
5. Mr. M.M.Horatti.
6. Mr. R.C.Shivapuji.

I recommend Mr. M.M.Horatti for Jamkhandi and Mr. N.G.Gadag for Ramdurg.

Mr. N.G.Gadag is willing to accept the post. A statement giving details regarding the above persons is enclosed.

The applications accompany.

12-1-1950

District Magistrate,Bijapur.

Through the District Judge,Bijapur w.cs.

- - -

No. 291 of 1950.
District Court, Bijapur,
Dated:12th January 1950.

Forwarded with compliments to the Secretary to Government, Legal Department, Bombay.

...2

2. I have no objection to the appointments suggested by the District Magistrate, Bijapur.

DISTRICT JUDGE,BIJAPUR.

Information regarding appointment of Subordinate Government Pleaders.

S.No.	Full name.	Age and date of birth.	Religion caste & sub-caste.	Mother tongue.	Home of family.	Qualification with date when acquired.	Date of commence-ment of practice.	Other experience if any
1	2	3	4	5	6	7	8	9
1.	Venkatesh Sakharam Naragund.	42 years. 17-11-1907	Hindu Brahmin Deshashtha.	Kannada.	Rabkavi Taluka Jamkhandi.	Advocate's examination of the Bom-bay Bar Council in April 1934	July 1934.	He was a member of the Rabkavi Municipality from 1940-43. He was a worker of " Shetaki-Sangh", at Terdal for some time. He was in the service of Sangli State in the Revenue and Political Departments. He has been practising as an advocate at Terdal for the last 15 years.
2.	Venkatesh Rajaram Dheodhar.	45 years. 1904	Hindu Brahmin	Marathi.	Not given.	B.A.(Hons) in 1925. LL.B. in the year 1929	Since 1929	Worked as a popular Minister. He was a Revenue Commissioner of the Kurundawad(Senior) State and Councillor on the Municipal Body Jamakhandi for 15 years.
3.	Mahadev Bhaskar Karandikar.	48 years. 24-4-1901	Hindu Kokanstha Brahmin.	Marathi.	Kundgol Dharwar District.	B.A.LL.B. in the year 1928	1929	He is working as Public Prosecutor and Government pleader Jamkhandi this day. Until now he has received no fresh orders from Government. His conduct in two cases was found objectionable.
	Ramakrishna Ganesh Badamikar.	39 years. 15-12-19[illegible]	Hindu. Brahmin	Kannad.	Rabkavi.	B.A.LL.B. B.A. in 1929 LL.B. in 1931.	1931	He is the legal adviser to the retail yarn syndicate Rabakavi and also of Rabka i Electric Company Rabkavi. and has worked as Municipal Councillor.

5.	Malleshappa Mahalingappa Horatti.	years. 8-1908	Hindu Lingayat.	Kannad. knows Marathi as well.	Rabakavi Taluka Jamkhandi.	Law Graduate of 1942. the Bombay Uni--versity acquired in 1940. Bar Council's examini--nation of the High Court of Judicature at Bombay.	He has worked for one year and four months as Assistant in the Legal Department by the Bombay-Sind Public Service Commission Bombay. Further he has worked for two years and six months as Registrar High Court Sangli and as a Civil Judge(Junior Division) at Shahapur and Shirahatti for one year and 9 months. Legal work of Sangli State was entrusted to him.
6.	Rudrappa Channappa Shivapuji.	26 years. 5-6-1923.	Hindu Lingayat.	Kannad.	Jamkhandi.	B.A. in 1946. 1949 LL.B. in 1948.	Nil.
7.	Nagappa Gurulinga--ppa Gadag.	45 years.	Hindu Lingayat. (Bangar)	Kanarase.	Ramdurg Bijapur District.	B.A.LL.B. He has passed LL.B. examination in 1931.	1931. Worked as Minister for nearly two years before merger of Ramdurg State. He was in charge of some transferred Departments, e.g. Education, Self Government etc.

District Magistrate, Bijapur.

9 49

Submitted w/k pp.

This relates to the appointments of Subehs at Ramdurg and Jamkhindi in the Bijapur Dist

2. The D.M. Bijapur has since submitted the necessary proposals as follows —

Mr H.H. Horatti for Jamkhindi

Mr N.G. Gadag for Ramdurg

The D.J. agrees with the D.M's recommendations. The details of the applicants are at pages 19-21 ante. The applications are set up below.

× No application of Mr N.G. Gadag

17/11

S.S. 17/1

Secy. I would agree; but before passing final orders I would like to

to know whether we have any papers about Mr. Karandikar

R
18/1.

Submitted.

Mr Karandikar's papers are at pages 5–15 ante. In this Dept's D.O. No. 572, dt the 13th Jan 1950 the D.M. was asked not to consider the claims of Mr Karandikar for the Subah's post.

V/s 15 ante

Mup
18/1
S S 18/1

Secy Appointments to be made as recommended by the D.M.

R
19/1

Subr

Necy letters also put up at pp 25–27 post for signature

Mup.
21/1
S S 23/1
D S 23/1

Secy

NOTIFICATION.

Legal Department,
Bombay Castle, (Bombay No. 1), 24th January 1950.

No. 1136 .- The Governor of Bombay is pleased to appoint Mr. N.G. Gadag, B.A., LL.B., to be the Subordinate Government Pleader, Ramdurg in the Bijapur District for a period of three years with effect from the date he takes over charge. The appointment is subject to the conditions of service laid down in the Bombay Law Officers (Conditions of Service) Rules, 1939.

By order of the Governor of Bombay,

[P.M. Lad,]
Secretary to Government.

No. 1137
Legal Department,
Bombay Castle, (Bombay No. 1), 24th January 1950.

Forwarded with compliments to the Manager, Government Central Press, Bombay, for publication in the next issue of the Bombay Government Gazette Part I. 5 copies of the notification should be supplied to this Department when published.

By order of the Governor of Bombay,

(T.P. Ghogale,)
Deputy Secretary to Government.

No. 1138
Legal Department,
Bombay Castle, (Bombay No. 1), 24th January 1950.

Copy forwarded with compliments for information to :-

1. The District Magistrate, Bijapur with a request to forward the particulars of Mr. Gadag in the appended form.
2. The District Judge, Bijapur.
3. The District Government Pleader, Bijapur.
4. Mr. N.G. Gadag, B.A., LL.B., Pleader, Ramdurg, District Bijapur.

By order of the Governor of Bombay

(T.P. Ghogale,)
Deputy Secretary to Government.

13 #3 37

Appointment of Mr. N.G.Gadag B.A.LL.B. as Sub-Govt.Pleader Ramdurg in the District of Bijapur.

---

(1) Full name.	Nagappa Gurulingappa Gadag.
(2) Date of Birth.	1905 ~~A.D~~.
(3) Religion	Hindu.
(4) Caste and sub-caste	Lingayat(Bangar)
(5) Mother tongue	Kannada
(6) Home of family.	Ramdurg District Bijapur.
(7) Qualifications with dates showing when acquired.	B.A.LL.B. He has passed .L.B. exarination in 1931.
(8) Title if any, with dates showing when conferred.	Nil.
(9) Date of commencement of practice.	1931.
(10) Date of taking over charge.	2-3-1950

Acc. No. 2383

Urgent

15 [illegible]

Letter.

No. 313 -Confl.,
Legal Department,
Bombay Castle (Bombay No.1), 10th May 1950

To

The Collector of Bijapur.

The term of appointment of Mr. V.B. Marathe, Subordinate Government Pleader, Muddebihal, will expire on 3-6-1950 (vide this Department Notification No. 5596, dated ~~the~~ 30-5-1947.

Please therefore submit your proposals through the District Judge, Bijapur., for filling up the vacancy.

2. The claims of any Muslim, Non-Brahmin or backward class pleader, if available, should be considered. Your report together with the District Judge's remarks thereon should reach Government before 25th May 1950.

L S 103

For Secretary to Government,
Legal Department.

Submitted for signature
4/5 DS

Copy to :-
The District Judge, Bijapur.

CONFIDENTIAL.

3

17

67

Letter.

No. POL. 904.

Bijapur 16-5-1950

The Secretary to Government,
Legal Department, Bombay.
BOMBAY.

Subject:- Sub-Government Pleader, Muddebihal. Appointment of the ----

Reference:-Govt. Legal Department Letter No.313-Confidential dated 10-5-1950.

Applications were invited for the post of Sub-Government Pleader Muddebihal, from the members of the bar at Bijapur, Bagalkot, Muddebihal, Ramdurg and Jamkhandi, but no applications were received. The District Government Pleader and District Superintendent of Police Bijapur who were consulted as regards the continuance of the present incumbant Shri V.B.Marathe, have no objection to his being continued.

He himself is willing to continue.

I, therefore, recommend that Shri V.B.Marathe be continued as Sub-Government Pleader Muddebihal for a further period of 3 years.

A statement showing the usual details is enclosed.

District Magistrate, Bijapur.

THE SECRETARY TO GOVERNMENT
LEGAL DEPARTMENT
File No.
Sub No. 319-confl./
Branch C/ 25-5-50.

Through the District Judge, Bijapur w.cs.

No. 15
District Court, Bijapur,
22nd May 1950.

Forwarded with compliments to the Secretary to Government, Legal Department, Bombay.

I agree to the proposal made by the District Magistrate. Shri V.B.Marathe, is a competent pleader and is quite suitable in all respects.

District Judge, Bijapur

6 17 ..

Appointment of Sub-Government Pleader at Muddebihal in the District of Bijapur.

======

1.	Full name.	Vasudev Bhagwan Marathe
2.	Date of birth.	8-10-1908 (42 Years)
3.	Religion.	Hindu.
4.	Caste and Sub-Caste.	Brahmin, Chitpavan.
5.	Mother tongue.	Marathi and Kannad.
6.	Home of family.	Muddebihal.District Bijapur
7.	Qualifications with dates showing when acquired.	Inter Arts in 1927. Advocates Examination in 1934.
8.	Title if any,with dates showing when conferred.	Nil.
9.	Date of - - - commencement of practice.	June 1934.

N.B.

He is willing to continue as Sub-Government Pleader Muddebihal for a further period of 3 years.

p 52 of file A.I.
By/1950 A.

Submitted with pp.

This relates to the appointment of Sub-G.P. Muddebihal in the Bijapur District vice Shri V.B Marathe whose term of office expires on 3rd June 1950.

2. For the reasons stated in his letter at p. ante the D.M. recommends Shri Marathe for being appointed as Sub-G.P. Muddebihal for a further period of three years. The D.J. agrees with the D.M's recommendation.

3. Shri Marathe was appointed as Sub-G.P. Muddebihal for the first time in 1944 and since then he is continued in the said post. His history sheet is put up.

for orders

25/V

S.S. 27/5.

Seen [Why is 1949 report not received?]

~~He should~~ Mr. Marathe Should be reappointed for a further term

27/5

NOTIFICATION. 23 73

Legal Department,
Bombay Castle, 1st ~~May~~ June 1950.

No. 7439 .- The Governor of Bombay is pleased to appoint Shri V.B.Marathe to be Subordinate Government Pleader, Muddebihal in the Bijapur District for a period of three years with effect from 4th June 1950. The appointment is subject to the conditions of service laid down in the Bombay Law Officers (Conditions of Service) Rules, 1939.

By order of the Governor of Bombay,

Original [P.M.LAD,]
Secretary to Government.

No. 7440
Legal Department,
Bombay Castle, 1st ~~May~~ June 1950.

Forwarded with compliments to the Manager, Government Central Press, Bombay, for publication in the next issue of the Bombay Government Gazette, Part I. 5 copies of the notification should be supplied to this Department when published.

By order of the Governor of Bombay,

OC (T.P.Ghogale,)
Deputy Secretary to Government.

No. 7441
Legal Department,
Bombay Castle, 1st ~~May~~ June 1950.

Copy forwarded with compliments for information to:-

Issued CP 1/6

The District Magistrate, Bijapur.
The District Judge, Bijapur.
The District Government Pleader, Bijapur.
Shri V.B.Marathe, Pleader, Sub-Government Pleader, Muddebihal, District Bijapur.

Submitted for sign

29/V

SS 31/5

D

Seq (Attested MRP. 29/5.
as original)

By order of the Governor of Bombay,

OC (T.P.Ghogale,)
Deputy Secretary to Government.

No. 769 of 1949. 25/-
Date:- 19-10-49

To

The Secretary to Government,
Legal Department, Bombay.

Subject:- Appointment of Special Public Prosecutor in Sessions Case.

Sir,

With reference to your letter No. 11169 dated 6-10-1949 addressed to the District Magistrate, Bijapur, a copy of which was sent to me, I have the honour to state that the said letter was shown to Mr. G.V.Hiremath, Assistant Public Prosecutor for his information. The Assistant-Public Prosecutor Mr. G.V. Hiremath has made an endorsement below it that he is not ready to abide by the directions.

Your letter No. 11169 of 6-10-1949 addressed to the District Magistrate sent to me along with the endorsement of Mr. G.V.Hiremath, Assistant Public Prosecutor, is sent herewith for favour of such action as is deemed fit.

Yours faithfully

Public Prosecutor, Bijapur

No.11169.
Legal Department,
Bombay Castle, 6th October 1949.

To
The District Magistrate,
Bijapur.

Subject:- Appointment of Special Public Prosecutor in Sessions Case No.35/49 at Bijapur.

Sir,

With reference to your letter No. M.G.M.A.70, dated the 5th September 1949, on the above subject, I am directed to say that Government do not approve of the practice of permitting the Assistant Public Prosecutor to appear for the defence and appointing a Special Public Prosecutor in his place and would like this practice to be discontinued.

Yours faithfully,

P.M. LAD,
Secretary to Government.

Copy for information to :-

The Public Prosecutor, Bijapur with reference to his letter No.624 of 1949, dated the 1st September 1949, addressed to the District Magistrate, Bijapur,

All District Magistrates,

All Public Prosecutors.

K. 7/10.

Received 14-10-49

Please put your reference

Bi.

Seen.
I am not ready to advise by the discussion.

20-10-49 Bijapur

To,

The Secretary to Government,

Legal Department, Bombay

Subject :— practice of permitting Asstt. Pub. Prosecutor to appear for the defence.

Sir,

17408
25/10/49

A copy of your letter no 11169 of 6-10-49, addressed to the D.M. Bijapur was shown to me by the Dist. Govt. Pleader Bijapur, on which I have made an endorsement to the effect "I am ready to abide by the direction"

In order that I should not be misunderstood I may be permitted to submit the following reasons as to why I had to make the said endorsement.

1 It is very difficult to earn my livelihood solely relying on Government work as Assistant Public Prosecutor, as I do not get on an average in the neighbourhood of Rs 100 per month. For some months I have not earned a single pie as Asstt PP, because no work was entrusted to me during those months. You may please verify the same from our office records.

2 Mr V.V. Albal (now the Dist and Sessions Judge at Satara) was my predecessor in office as Asstt PP for about six years. During this period of six years he appeared for the defence very often. It is on rare occasions that he acted as Asstt PP. Same was the case when Mr A.C. Angadi was Asstt PP. So I have followed these illustrious precedents.

3 Such practice is according to the rules governing the Conduct of Asstt PP. The rule lays down that the Asstt PP is merely to give an intimation to the Govt Pleader of his intention to appear for the defence whenever he accepts brief for the defence.

As I am a man of limited means, with a big family to maintain, your direction in your said letter works a hardship on me. Hence I had to make that endorsement referred to above.

If such was the intention of the Govt. at the time of appointing me as Asstt PP, I venture to submit I would not have accepted the offer at all. It may be kindly noted that I never aspired for the post. I was not one of the applicants for the same. The offer in my case first came from Through the then D.M. (Mr Shaikh

My only intention in referring to previous history is that I should not be misunderstood for having made the said endorsement.

Yours faithfully.

20-10-69

S. B. Hiremath.

Asstt P.P. Bijapur

Legal Department. 31

Submitted.

As per orders of the +Secretary on page 13 ante papers relating to the appointment of Mr. Hiremath as A.P.P. are put up below. Vide G.N. L.D. No. 184, dated the 7th January 1948. The papers re: appointment of Special P.Ps in Bijapur Dist are at pages 1-3 & 7-9 ante, and at slip 'C' in loose papers below and, at pages 255-257 of file Apt Spl P.P./49 slip D.

2. By L.D. letter No.11169, dated the 6th October 1949 the D.Ms and the P.Ps were requested to discontinue the practice of permitting the Asstt P.Ps to appear for the defence and appointing special P.Ps instead. Attention in this connection is invited to P.P. Bijapur's letter at page 15 ante in which he states that the A.P.P. Mr. Hiremath who was shown the said Govt Circular has made an endorsement to the effect that he is not ready to abide by the direction. The explanation given by the A.P.P. on the said endoresement is at pages 19-20 ante.

3. The A.P.Ps are not given any retainer but are allowed only fees as laid down in L.O. (C.ofS) Rules. They are subordinate to P.Ps aand are required to appear in such cases only as are entrusted to them by the P.Ps vide rule 45 of the L.O.Rules. The A.P.Ps income from the official source therefore solely depends on the number of cases entrusted to them by the P.Ps. The position explained by Mr. Hiremath in respect of his earnings on Government work seems to be correct. With regard to his appointment as A.P.P. the position stated by him is also correct. Mr. Hiremath was not among the the applicants for the A.P.P. Bijapur's post

vide the D.M's letter at page 65 of file A.Pt Bij/47. Please see also in this connection this Deptt letter No. 349-Confl, dated the 14th August 1947 at page 83 and D.M. Bijapur's reply at pages 87-90 of file Apt/47.

The contention of the A.P.P. that he can appear for the defence by merely intimating the P.P. of his intention to do so is not correct. It is obligatory on his part to take the previous permission of the P.P. to whom he is subordinate. Please see Rule 5(6) of the L.O (C. of S.) Rules, 1939

5/11

A.S (Mn. P.)

5/11

S.S. The present A.P.P. is known to me to be fond of work and at any rate in the Court work and he is relieved. He seems for all concerned. From the statements made by him it appears that in the present case an A.P.P. may not be necessary in the district. But whether or not he is necessary may also be examined on its merits. L.C. 7.11

Secretary

Rule 5(6) of the Law Officers (Conditions of Service) Rules is quite explicit and reads as follows:-

> "An Assistant Public Prosecutor shall not act or appear on behalf of an accused person <u>without first obtaining the permission</u> of the District Public Prosecutor to whom he is an assistant. The District Public Prosecutor <u>shall not grant</u> such permission in any case in which he considers that the services of the Assistant Public Prosecutor <u>might probably</u> be required for the Crown. "

The practice has been growing in Bijapur in particular

of the Assistant Public Prosecutor appearing for the defence and on that account Government being compelled to employ a Special Public Prosecutor to conduct the case. It is for stopping this practice that the circular No.11169 dated 6th October 1949 was issued. Please see also H.M's minute at p.11 of the loose papers. The Assistant Public Prosecutor ~~xxx~~ is not correct when he says that the rule merely requires that an intimation should be given to the Government Pleader of the Assistant Public Prosecutor intention, and that it is upon such understanding of the rule and practice that he consented or rather allowed himself to be persuaded to accept the office. The rule leaves no scope for ambiguity or doubt, and if the Assistant Public Prosecutor finds it inconvenient, it is open to him to relinquish his office. But he cannot be allowed to get away with the endorsement that he is not ready to abide by direction issued by this Department and that too in perfect consonance and harmony with an established rule. ~~If~~ The grievance that he is not given much work and, therefore, is unable to earn sufficient remuneration is not relevant; for whenever there is no work for him, he is free to appear for the defence. The intention of the circular was to prevent him from appearing for the defenc whenever he is required by the Crown.

R. 7/11

He may be asked to resign if he cannot abide by rules. Om

H.M.(Law).

I shall discuss this topic R 9/11

Secretary (Administration) DSD 9/11/49

11872 8/11

Secretary

No.201 d. 8-11-1949.

35-51

No.

Legal Department,
Bombay Castle (Bombay 1), December 1949.

Subject:- Practice of permitting Assistant Public Prosecutor to appear for the defence.

Memorandum.

With reference to his letter dated 20th October 1949 on the above subject, Mr.G.V.Hiremath, Assistant Public Prosecutor, Bijapur, is informed that rule 5(6) of the Law Officers (Conditions of Service) Rules does not contemplate, as imagined by him, that the Assistant Public Prosecutor is merely to give an intimation to the Government Pleader of his intention to appear for the defence whenever he accepts brief for the defence. The rule is quite unambiguous in its language and reads as follows:-

> "An Assistant Public Prosecutor shall not act or appear on behalf of an accused person without first obtaining the permission of the District Public Prosecutor to whom he is an Assistant. The District Public Prosecutor shall not grant such permission in any case in which he considers that the services of the Assistant Public Prosecutor might probably be required for the Crown."

It is presumed that the Assistant Public Prosecutor had full knowledge of this rule when he applied for the post, and no precedent of previous law officers' practice, if any, can be of any avail against the provisions of the rule. The circular letter No.11169 dated 6th October 1949 issued by this Department was based upon the above quoted rule, and Government feel that it was not proper of the Assistant Public Prosecutor to make an endorsement upon that letter that he was not ready to abide by the directions contained therein. The grievance that the Assistant Public Prosecutor is not given much work, and is, therefore, unable to earn sufficient remuneration is not relevant in this context; for, whenever there is no work for him he is free to appear for the defence. The intention of the rule and the circular letter was to prevent an Assistant Public Prosecutor from appearing for

the defence whenever he is likely to be required by the Crown and thus to obviate the necessity of special ad hoc appointments of Prosecutors on the ground that the Assistant Public Prosecutor is engaged for the defence. If the Assistant Public Prosecutor finds the rule irksome and the position unremunerative, it is open to him to relinquish his office.

Secretary to Government.

To
G.V. Hiremath, Esquire,
Assistant Public Prosecutor, Bijapur.

No.
Legal Department,
Bombay Castle, December 1949.

Copy forwarded with compliments to --

The District Judge, Bijapur,

The District Magistrate, Bijapur,

The Public Prosecutor, Bijapur.

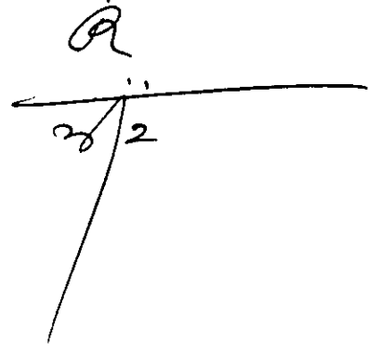
for Secretary to Government.

K. 28/-

~~34~~
37-10

I have discussed the
case with Hon Mr
Hormath had several
complaints to make about
the distribution work.
I want to come to a conclusion
regarding that matter. The
Conclusion should contain
instructions to the expert
that Serious cases and all other
criminal work should be
assigned to the Assistant
at least a week before the
date fixed for hearing; that
once the case is assigned
it should not be withdrawn
from the Assistant; and
subject to such assignment
of work, the P.P may

Consider the question of granting permission under Rule 57(2)



Mr. Gopinath

Pl put up a draft Circular containing the above instructions.

4.2

Miss D'Souza

No. 2058

Legal Department,
Bombay Castle (Bombay No.1), 10th February 1950

Subject:- Practice of permitting Assistant Public Prosecutor to appear for the defence.

Memorandum.

With reference to his letter dated 20th October 1949 on the above subject, Mr.G.V.Hiremath, Assistant Public Prosecutor, Bijapur, is informed that rule 5(6) of the Law Officers (Conditions of Service) Rules does not contemplate, as imagined by him, that the Assistant Public Prosecutor is merely to give an intimation to the Government Pleader of his intention to appear for the defence whenever he accepts brief for the defence. The rule is quite unambiguous in its language and reads as follows:-

> "An Assistant Public Prosecutor shall not act or appear on behalf of an accused person without first obtaining the permission of the District Public Prosecutor to whom he is an Assistant. The District Public Prosecutor shall not grant such permission in any case in which he considers that the services of the Assistant Public Prosecutor might probably be required for the Crown."

It is presumed that the Assistant Public Prosecutor had full knowledge of this rule when he accepted ~~xx~~ the post, and no precedent of previous law officers' practice, if any, can be of any avail against the provisions of the rule. The circular letter No.11169 dated 6th October 1949 issued by this Department was based upon the above quoted rule, and Government feel that it was not proper of the Assistant Public Prosecutor to make an endorsement upon that letter that he was not ready to abide by the directions contained therein. The intention of the rule and the circular letter was to prevent an Assistant Public Prosecutor from appearing for the defence whenever he is likely to be required by the Crown and thus to obviate the necessity of special ad hoc appointments of Prosecutors on the ground that the Assistant Public Prosecutor is engaged for the defence. His attention is invited to the accompanying circular on this subject which should help in the observance of the rule and in guiding the discretion of Public Prosecutors in granting permission as required by the rule.

Miss DeMello will kindly attach a copy of the circular.
9/2.

Secretary to Government.

To

G.V.Hiremath, Esquire,
Assistant Public Prosecutor,
Bijapur.

Issued on 10/2

kul.
9,2.

GOVERNMENT OF BOMBAY.
Legal Department.
Circular No. ~~209~~ 2018
Bombay Castle, 10th February 1950.

Under rule 5(6) of the Law Officers (Conditions of Service) Rules an Assistant Public Prosecutor is prevented from acting or appearing on behalf of an accused person without the previous permission of the District ~~&~~ Public Prosecutor who shall refuse to grant such permission in any case in which he considers that the services of the Assistant Public Prosecutor might probably be required for the ~~&~~ Crown. Assistant Public Prosecutors who apply for such permission naturally expect to get reasonable notice on matters in which their services might probably be required for the Crown. For that purpose and mainly for the purpose of giving them sufficient time to prepare and work up a case assigned to them, Government desires that sessions cases and all other criminal work should be assigned to Assistant Public Prosecutors at least a week before the date fixed for hearing, and that once the case is so assigned, it should not ordinarily be withdrawn from them. This will help Public Prosecutors in considering the question of granting permission under the above rule, ~~and~~ No Assistant Public Prosecutor should be allowed to appear on behalf of an accused person without such previous permission.

To Remembrancer of Legal Affairs.
~~To~~ All District Magistrates.
All Public Prosecutors.
+ Assistant Prosecutors

From. G. J. Shirwalkar
Asst. P.P. Bijapur

13. 2. 1950.

Bijapur.

THE SECRETARY TO GOVERNMENT
LEGAL DEPARTMENT
File No 2650
Date 14.2.50

To,

Dinkarbhai Desai, Esqr.
Minister for Law & Supply
Govt. Bombay.

L. D.
14 FEB 1950

Sir,

Yesterday I am in receipt of a circular No 20.18 of 10.2.1950 under the signature of the Remembrancer of Legal Affairs directing an Assistant Public Prosecutor to seek the permission of the District Public Prosecutor whenever the Assistant Public Prosecutor chooses to appear for the defence on the main and principal ground as it is presumed that the Assistant Public Prosecutor had full knowledge of this Rule (Rule 5(6) of Law officers Rules) when he accepted the post. The words quoted are quoted from the covering letter (No 10 20584 10.2.50) sent to me by Remembrancer of Legal Affairs along with the said circular.

The said Rule and the circular referred to above do not apply to me for the following reasons, known to you before selecting me for the said post.

You know full well that I was not an applicant for the said post. The offer came to me, by phone, by you, as a result of which the then District Magistrate Dr. Shaikh sent for me and asked my consent to work as Assistant Public Prosecutor on the clear understanding that I was to be in charge of the entire Criminal work and that Mr Rao (the present Govt. Pleader) should look to the civil work and giving of opinion and to other work (i.e. criminal work) which I entrust to him.

The above gentleman agreement was arrived at and negotiated by the then Congress leaders of this place viz Messrs M.S. Sugandhi & C.J. Ambali. It is these people who made you to give me a telephone call through Dr. Shaikh, then District Magistrate.

Why such an agreement and arrangement was made is obvious from the Reminiscences Correspondence that was then going on regarding the advisability of appointing Mr Rao. (Please wade and read the Correspondence that took place at that time. It is I believe in your office file)

The above referred arrangement was respected by Mr Roo for about a few months, after which it was violated, to which making any complaint of the same to you I began to accept bribe for the defence.

Under such circumstances the above referred to circular can not operate against me. You please consider the matter with all courtesy and consideration it deserves. Otherwise may I suggest that I should ~~Starve~~ starve and be at the mercy of the District Govt Pleader.

It affects my self respect and my livelihood. Hence I have brought this matter to your notice for such action as you deem fit.

If you find on inquiry and by refreshing your memory that what I have stated above is not true, you please treat this letter of mine as my resignation and terminate my services as Assistant Public Prosecutor.

Yours faithfully

G. V. Hiremath

Assistant Public Prosecutor Bijapur.

To,

The ~~Remb~~ Remembrancer of Legal Affairs
Govt Bombay.

Sir,

Yesterday I have received your letter No. 2058 of 10-2-1950 and the Copy of the circular No. 2058 of 10-2-1950. As an humble protest for the same I have addressed the above letter to the Minister for Law and Supply. Though you so that you may not misunderstand me. Mine is an attempt to sift the truth, so that you in your Capacity as Secretary to ~~my~~ Govt Bombay, may be in a position to know who is who.

Please forward my above application to the the Minister for Law and Supply. I request you that you would be pleased to keep in abeyance the operation of your circular, until my above application is finally disposed of by the Minister, in consultation with you, if possible. I pray for a stay only until then.

Yours faithfully

G. V. Hiremath

Asstt P.P.

45

Please see my note and H.M.(L)'s minute 47 on page 23 ante. Accordingly a draft letter was kept ready but in the meantime Mr. Hiremath saw me and made certain representations the gist of which was that the Public Prosecutor, Mr.Rau, so arranged the distribution of work as to make it impossible for Mr.Hiremath to accept any private work. The draft was accordingly withheld and,in consultation with H.M., I later issued a Circular which I thought would meet the grievance which Mr. Hiremath had made and allow him scope for private practice without conflict with Government work. That Circular was sent together with the memorandum to Mr. Hiremath, in response to which he has now addressed a letter personally to H.M. through the R.L.A.

I feel that we have gone as far as we could to accommodate Mr. Hiremath. The practice which is enjoined by the Circular should enable him to accept private briefs as notice of Govt. work would be given to him well in advance and the Public Prosecutor would have then no reason to refuse permission As it is, I find reports being constantly received from Bijapur to the effect that the conduct of a sessions case had to be entrusted to a special prosecutor because Mr.Hiremath was appearing for the defence. No exception can be made in favour of Mr. Hiremath as he pleads and the rule must apply to him also. I have no knowledge of the special circumstances leading to his appointment to which he makes a reference but it is obvious that he cannot be allowed to set up a convention which is flagrantly opposed to the rule.

In....

In these circumstances, it is a matter for Government's consisderation whether we should accept his resignation.

17/2

H.M.(Law) *

I have given no promises. Resignation should be accepted.

17/2 DMW

see FD...

× 126-Conf(
17/2/50.

17/2

Secretariat.

Navy memo is put up at 4.45 post for Signature.

2. Since the Hirematthi has himself tendered the resignation of his post the question of giving him notice for the termination of his Office does not arise.

17/2

21/2

SS

Secy

455-
17/

No.2591
Legal Department,
Bombay Castle(Bombay No.1), 22nd February 1950

MEMORANDUM.

With reference to the correspondence ending with his letter dated the 13th February 1950, Mr.G.V.Hiremath is informed that his resignation of the post of Assistant Public Prosecutor, Bijapur has been accepted. He should hand over the charge to the Public Prosecutor, Bijapur.

Secretary to Government.

To
G.V.Hiremath, Esqr, B.A.LL.B.,
Assistant Public Prosecutor,
Bijapur.

Copy to:

a/18 Issued on 22/2

The District Magistrate, Bijapur. He is requested to submit through the District Judge, Bijapur fresh proposals

for appointment to the post of Assistant Public Prosecutor,

The District Judge, Bijapur,

The District Government Pleader and Public Prosecutor, Bijapur.

CONFIDENTIAL.

Letter.

No. POL. 904.

Bijapur 25-3-1950.

The Secretary to Government.,
Legal Department,Bombay.
BOMBAY.

Subject:- Appointment of Assistant Public Prosecutor.

Reference:-Government Legal Department Memorandum No.2951 dated 22nd February 1950.

A public notice was issued on 2-3-1950 calling for applications for the post of Assistan Public Prosecutor,Bijapur. The following nine persons have applied.

1. Mr. A.S.Patil. Bijapur.
2. Mr. B.M.Patil. Bijapur.
3. Mr. J.R.Desai. Bijapur.
4. Mr.V.B.Sir-Deshapande Bijapur.
5. Mr.K.H.Bilgi Jamkhandi.
6. Mr.V.D.Patil. Bijapur.
7. Mr.G.L.Kanbur Bijapur.
8. Mr.R.H.Mangoli Bijapur.
9. Mr.B.G.Jahagirdar Bijapur.

I recommend M/S A.S.Patil and V.B. - Sir-Deshapande.

A statement giving details regarding the above persons is enclosed.

The applications accompany.

District Magistrate,Bijapur.

Through the District Judge,Bijapur w.cs.

District Court, Bijapur.

30th March, 1950.

Forwarded with compliments to the Secretary,

Legal Department, Bombay

Out of the candidates, Messrs.A.S.Patil, J.R.Desai, V.D.Patil, G.L.Kanbur and R.H.Mangoli have conducted cases before me.

2. Mr. A.S.Patil conducted several Sessions Cases before me as Special Prosecutor and impressed me favourably by his work and ability.

3. Mr. J.R.Desai conducted before me several Sessions Cases. He is one of the suitable candidates.

4. Mr.G.L.Kanbur conducted before me some Sessions Cases and criminal appeals. He is one of the suitable candidates for the post. He has extensive civil and criminal practice and he impressed as quite a capable man.

5. Messrs.V.D.Patil and R.H.Mangoli are not suitable for the post in question.

6. As regards Mr.V.B.Sardeshpande recommended by the District Magistrate, he has not conducted any Sessions Case or criminal appeal before me. From 1945 till recently, he was a Police Prosecutor and conducted cases in the Courts of the Resident Magistrates at Hungund and else-where. It appears that he accepted the post of the Police Prosecutor as he had not sufficient practice at Bijapur. He occasionally stammers badly and thus creates unfavourable impression. For the post of the Assistant Public Prosecutor, it is necessary to have a man who has wide practice in different Courts. I am unable to recommend Mr.Sar-deshpande as he conducted cases only in the Courts of the Resident Magistrates from 1945.

7. After considering the merits of all the candidates, I have no hesitation in saying that Messrs.G.L.Kanbur and A.S.Patil are the most suitable candidates. Mr. Kanbur is a senior man with great experience as a pleader and can be regarded as more suitable of the two. He is an energetic and industrious

man and I have no doubt that he would perform his duties efficiently. Mr. A.S.Patil is comparatively a junior man with less experience as a pleader.

8. Recently, there was a proposal by the District Magistrate to have two Assistants to the Public Prosecutor. I supported the proposal as it was found that the Public Prosecutor was occasionally finding it difficult to cope with the work in the two Sessions Courts and the Government work. I do not know what the Government have decided about the proposal. There is an Assistant Judge working at Bijapur and it appears that there will be always an Assistant Judge at Bijapur in view of the heavy criminal work here. Government may, therefore, lose no time in appointing two Assistants to the Public Prosecutor I would suggest that Mr. G.L.Kanbur may be appointed First Assistant and Mr. A.S.Patil, Second Assistant. If it is thought fit to appoint only one Assistant and give chance to a non-brahmin, Mr. A.S.Patil may be appointed. If the appointment is to be made purely on merits, I would suggest that Mr. Kanbur may be appointed.

District Judge.

SECRETARY TO GOVERNMENT
LEGAL DEPARTMENT
File No.
Sub No. 196-Conf/3.4.50
Branch C

Statement showing the information regarding the candidates who have applied for the post of Assistant Public Prosecutor, Bijapur.

.No.	Full name.	Age and date of birth.	Religion, Caste & sub-caste.	Mother tongue.	Home of family.	Qualifications with dates when acquired.	Date of commence-ment of practice.	Other experience.
1	2	3	4	5	6	7	8	9
1.	Mr.Andaneppa Sangangowda Patil(Tonsyal)	30 Years. 20-2-1920	Hindu (Lingayat)	Kannad.	Tonsyal.Taluka Bijapur.	LL.B. in the year 1941.	9-4-1942.	He has worked as Honorary Assistant to the Dist.Govt. Pleader,Bijapur from 1-4-1947.
2.	Mr.Bhimarao Mahantappa Patil.	36 Years. 14-6-1914.	Hindu. (Lingayat)	Kannad.	Mangoli and Bijapur.	B.A.in the year 1937. LL.B.in 1940.	1-6-1941.	-
3.	Mr.Jagannatharao Raghavendra Desai.	42 years. 24-9-1908	Hindu (Brahmin)	Kannad.	Bijapur.	Advocate's Examination in the year 1933.	1934.	-
4.	Mr.Venkatesh Bhanaji Sir-Deshpande.	55 Years. 27-11-1894	Hindu (Brahmin. Deshasta)	Kannad.	Bijapur.	B.A.in 1916. 1st LL.B.in 1917 2nd LL.B.in 1919.	1-9-1919.	Has worked as Police - Prosecutor from 1945 till 27-11-1949.
5.	Mr.Krishnaji Hanamant Bilgi.	30 Years. 1-1-1920	Hindu (Deshasta Brahmin)	Kannad.	Jamkhandi.	LL.B.in the year 1944.	1947.	
6.	Mr.Virangouda Dyamangouda Patil.	50 Years.	Hindu (Lingayat)	Kannad.	Hittinalli Taluka - Bijapur.	High Court's Pleaders - - Examination in the year 1928	October 1928	

33

7. Govind Laxman Kanbur.	53 Years. 22-10-1897	Hindu. (Brahmin)	Kannad.	Kanbur Taluka Bijapur.	LL.B. in the year 1920.	7-1-1921.
8. Mr.Ramachandra Hanamant Mangoli.	41 Years. 13-11-1908	Hindu (Brahmin)	Kannad.	Mangoli in Bagewadi Taluka.	LL.B. in the year 1932.	8-3-1933.
9. Mr.Bhimacharya Gundacharya Jahagirdar.	38 Years. 7-6-1912.	Hindu (Brahmin)	Kannad.	Kapanimbargi Taluka Indi.	Advocate's examination in 1939.	24-2-1940.

Bijapur

Statement showing the information regarding the candidates who have appli for the post of Assistant Public Prosecutor Bijapur.

S.No.	Full name.	Age and date of birth.	Religion, Caste & sub-caste.	Mother tongue.	Home of family.	Qualifications with dates when acquired.	Date of commence -ment of pra- -ctice.	Other - experience.
1	2	3	4	5	6	7	8	9
1.	Mr.Andaneppa Sangangowda Patil(Tonsyal)	30 Years. 20-2-1920	Hindu (Lingayat)	Kannad.	Tonsyal.Taluka Bijapur.	LL.B. in the year 1941.	9-4-1942.	He has worked as Honorary Assistant to the Dist.Govt. Pleader,Bijapur from 1-4-1947.
2.	Mr.Bhimarao Mahantappa Patil.	36 Years. 14-6-1914.	Hindu. (Lingayat)	Kannad.	Mangoli and Bijapur.	B.A.in the year 1937. LL.B.in 1940.	1-6-1941.	-
3.	Mr.Jagannatharao Raghavendra Desai.	42 years. 24-9-1908	Hindu (Brahmin)	Kannad.	Bijapur.	Advocate's Examination in the year 1933.	1934.	-
4.	Mr.Venkatesh Bhanaji Sir-Doshpande.	55 Years. 27-11-1894	Hindu (Brahmin. Deshasta)	Kannad.	Bijapur.	B.A.in 1916. 1st LL.B.in 1917 2nd LL.B.in 1919.	1-9-1919.	Has worked as Police - Prosecutor from 1945 till 27-11-1949.
5.	Mr.Krishnaji Hanamant Bilgi.	30 Years. 1-1-1920	Hindu (Deshasta Brahmin)	Kannad.	Jamkhandi.	LL.B.in the year 1944.	1947.	-
6.	Mr.Virangouda Dyamangouda Patil.	50 Years.	Hindu (Lingayat)	Kannad.	Hittinalli Taluka - Bijapur.	High Court's Pleaders - - Examination in the year 1928	October 1928	

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9. Mr.Bhimacharya Gundacharya Jahagirdar.	38 Years. 7-6-1912.	Hindu (Brahmin)	Kannad.	Kapanimbargi Taluka Indi.	Advocate's examination in 1939.	24-2-1940.

Halsangi
Dy Bijapur

Legal Department.

61133

p.45 ante

Submitted

This relates to the appointment of Assistant Public Prosecutor, Bijapur vice Mr.Hiremath resigned vide L.D. Memo. No.2591, dated the 22nd February 1950.

2. The District Magistrate, Bijapur, forwards all the 9 applications received by him for consideration of Government and recommends Mr.A.S.Patil or Mr.V.B.Sirdeshpande for appointment vide p.47 ante.

3. Of all the applicants the D.J. finds Mr. Kanbur most suitable and Mr.A.S.Patil next best. The D.J. further adds that if the appointment is to be made on sheer merits then Mr.Kanbur may be appointed. But if a chance is to be given to a non-Brahmin pleader then Mr.Patil may be appointed. In his further communication, vide p.59 ante, the D.M. states that there is no objection to Mr.Kanbur being considered for the appointment as he is in every way suitable for the post.

4. The proposal for creation of a 2nd A.P.P's post, to which a reference has been made by the D.J. vide para.8 of his letter on p.49 ante, has not been accepted vide correspondence at pp.1-19 of file Apt.Bij/49.

5. Mr.A.S. Patil is at present Honorary Assistant to the D.G.P. Bijapur. His History sheet is put up below. A statement giving details of the applicants as regards their qualifications, standing etc. is at pp.51-57 ante.

Sec (H.H. (Law))

3/4

S.S. 4/4

Secy. Why does the D.J. say that he does

20/- Know what Govt decided about the proposal to appoint a second Assistant. Our decision was communicated to him.

Please verify

5/4

Submitted with ref to Secy's above note.

A Copy of the decision was endorsed to the D.V. Bij Vide L.D. letter No. 341, dt 9th Jan 1950 addressed to the D.H. Bij at p. 19 of ~~file~~ Apt Bij/49 of D.

5/4

S.S. 5/4

Secy. The question of creating an additional post of an Assistant at Bijapur was examined on merits and it was found that the

63

63 15

The State of ... did not ... an additional appointment. The proposal was ... made by the Local Officials because Mr. Hiremath wanted permission frequently to appear for the Defence. He has now resigned, and proposals have been made for filling his vacancy. Both the D.J. & D.A. are agreed that the most qualified candidate on merits is Mr. G.L. Kanbur. The D.J. describes him as a senior man with great experience. The next in order is Mr. A.S. Patil; and the D.J. Suggests

Suggests that he may be appointed Second Assistant. If as the D.J. now writes says, there will hereafter always be an Assistant Judge at Bijapur we may agree to create that post for one year in the first instance, and appoint Mr. A.S Patil to hold it. That would satisfy the claims of communal representation also.

R

6/4

H.M.Law
H.M.(A)
H.C.M.

10/4

X No. 232-confl./8.4.50
With Applications and D.O. No. Apptt. Bij/49 and history sheet file

Draft
Draft letters on pp 65-67 for Signature.
Secy will put up for signature
originals.

13/4

13/4 SS

NOTIFICATION.

Legal Department,
Bombay Castle, 17th April 1950.

No. 5230 .- The Governor of Bombay is pleased to appoint Shri G.L.Kanbur, LL.B., under section 492(1) of the Code of Criminal Procedure, 1898, to be 1st Assistant Public Prosecutor, Bijapur, for a period of three years with effect from the date he takes over charge. 20/4/50 The appointment is subject to the conditions of service laid down in the Bombay Law Officers (Conditions of Service) Rules, 1939.

By order of the Governor of Bombay,

[P.M.LAD,]
Secretary to Government.

No. 5231
Legal Department,
Bombay Castle, 17th April 1950.

Forwarded with compliments to the Manager, Government Central Press, Bombay, for publication in the next issue of the Bombay Government Gazette, Part I. 5 copies of the notification should be supplied to this Department when published.

By order of the Governor of Bombay,

(T.P.GHOGALE,)
Deputy Secretary to Government.

No. 5232
Legal Department,
Bombay Castle, 17th April 1950.

Copy forwarded with compliments for information to:-

The District Magistrate, Bijapur,
The District and Sessions Judge, Bijapur,
The District Government Pleader and Public Prosecutor, Bijapur,
Shri G.L.Kanbur, LL.B., Pleader, Bijapur.

By order of the Governor of Bombay,

(T.P.Ghogale,)
Deputy Secretary to Government.

MRP.
13/4.

NOTIFICATION.

Legal Department,
Bombay Castle, 17th April 1950.

No. 5233 .- The Governor of Bombay is pleased to appoint Shri A.S.Patil, LL.B., under section 492(1) of the Code of Criminal Procedure, 1898, to be 2nd Assistant Public Prosecutor, Bijapur, for a period of one year with effect from the date he takes over charge. The appointment is subject to the conditions of service laid down in the Bombay Law Officers (Conditions of Service) Rules, 1939.

By order of the Governor of Bombay,

[P.M.LAD,]
Secretary to Government.

No. 5234
Legal Department,
Bombay Castle, 17th April 1950.

Forwarded with compliments to the Manager, Government Central Press, Bombay, for publication in the next issue of the Bombay Government Gazette, Part I. 5 copies of the notification should be supplied to this Department when published.

By order of the Governor of Bombay,

(T.P.GHOGALE,)
Deputy Secretary to Government.

No. 5235
Legal Department,
Bombay Castle, 17th April 1950.

Copy forwarded with compliments for information to:-

The District Magistrate, Bijapur, with a request to communicate the date on which the Patil takes over charge.
The District and Sessions Judge, Bijapur,
The District Government Pleader and Public Prosecutor, Bijapur,
Shri A.S.Patil, LL.B., Hon. Assistant to the District Government Pleader, Bijapur.

By order of the Governor of Bombay,

(T.P.Ghogale,)
Deputy Secretary to Government.

Issued 17/4
MBP 1/4.

Letter.

69 7141 626

No POL 904.

Bijapur 22-4-1950.

The Deputy Secretary to Government.,
Legal Department, Bombay.
BOMBAY.

L. D.
24 APR 1950
6

Subject:- Appointment of 1st Assistant Public Prosecutor Bijapur.

Reference:-Govt.L.D.endorsement No. 5232of 17-3-50

The particulars of Shri. G.L.Kanbur are submitted in the form enclosed.

M&S

THE SECRETARY TO GOVERNMENT
LEGAL DEPARTMENT
File No. 7141
Dak No. 25/4/50
Branch

For District Magistrate, Bijapur

Submitted for
Navy History of
the Kanbun has been
prepared. and photos
herewith

25/4.

SS 25/4

D.S. LB-64

Appointment of 1st Assistant Public Prosecutor, Bijapur in the District of Bijapur.

71 143

=======

1.	Full name.	Govind Laxman Kanbur.
2.	Date of Birth.	22-10-1897
3.	Religion.	Hindu.
4.	Caste and sub-caste.	Brahmin.
5.	Mother tongue.	Kannada.
6.	Home of family.	Kanbur Taluka Bijapur.
7.	Qualifications with dates showing when acquired.	LL.B. in the year 1920
8.	Title, if any, with dates showing when conferred.	-
9.	Date of commencement of practice.	7-1-1921.
10.	Date of taking ogef charge.	20-4-1950.

Below endorsement No.264 of 1950 dated 3-5-1950 from the District Government Pleader and Public Prosecutor Bijapur forwarding the resignation tendered by Shri A.S.Patil of Bijapur for the post of 2nd Assistant Public Prosecutor Bijapur.

No. POL 904.
Bijapur 8-5-1950.

Submitted to the Secretary to Government Legal Department, Bombay.

2. Shri A.S.Patil was appointed as 2nd Assistant Public Prosecutor Bijapur as per Government Notification Legal Department No.5233 dated the 17th April 1950. The resignation tendered by him may be accepted.

3. On receipt of Government orders in this connection further action will be taken in the matter.

District Magistrate, Bijapur.

Through the District Judge, Bijapur w.cs.

P.T.O.

78

1962 of 1950.

District & Sessions
Court, Bijapur.

Dated: 16th May 1950.

Forwarded with compliments to the Secretary to Government, Legal Department, Bombay.

DISTRICT & SESSIONS JUDGE,
BIJAPUR.

L. 2.
19 MAY 1950

MN S.

8779
20/5/50

From

A S. Patil (Tonshal),

Pleader, Bijapur.

To

The District Magistrate,

Bijapur.

Respected Sir,

When Shri. G. V. Hiremath, 1st Assistant Public Prosecutor resigned, I applied for appointment. I have however been appointed as 2nd Assistant to the Public Prosecutor, Bijapur. I cannot afford to work as 2nd Assistant. I am not willing to accept the appointment. So my resignation may kindly be accepted.

Bijapur:
Dated: 3/5/50

Yours faithfully,
A. S. Patil
Tonshal.
Pleader, Bijapur.

Respectfully submitted through the Public Prosecutor, Bijapur.

No. 264 of 1950.
Date:-3-5-50.

Forwarded with compliments to the District Magistrate, Bijapur, for such action has he deems fit.

District Government Pleader
& Public Prosecutor, Bijapur

Legal Department.

Submitted.

By G.Ns L.D. No.5230 and 5233 dated the 17th April 1950 Shri Kanbur and Shri Patil have been appointed as 1st and 2nd Asstt P.P, Bijapur for a period of three and one year respectively. Shri Patil now informs that he is unwilling to accept the appointment and tenders the resignation of the post.

2. The D.M. states that the resignation may be accepted. He further adds that on receipt of Govt orders further action in the matter will be taken. The D.J. has not offered any remarks.

3. The papers in respect of the appointments of Shri Kanbur and Shri Patil are at pages 47--67 ante.

for orders

22/V

S. S. 23/5

Secy

Secy. The resignation may be accepted. The D.J. should not have recommended his name for the 2nd Assistants post, without ascertaining his willingness.

H14(2.)

23/5

L.D.No.344-conf,
24.5.50

Secy 24/5

1966
24-5-50

No.7227
Legal Department,
Bombay Castle(Bombay No.1), 27th May 1950

MEMORANDUM.

With reference to his letter, dated the 3rd May 1950 addressed to the District Magistrate, Bijapur, Shri A.S.Patil is informed that his resignation of the post of 2nd Assistant Public Prosecutor, Bijapur has been accepted.

Deputy Secretary to Government.

To

A.S.Patil, Esqr., B.A.LL.B.,
2nd Assistant Public Prosecutor,
Bijapur.

mra/26.

Copy to :

The District Magistrate, Bijapur. He is requested to submit through the District Judge, Bijapur, fresh proposals for appointment to the 2nd Assistant Public Prosecutor's post.

The District Judge, Bijapur,

The District Government Pleader and Public Prosecutor Bijapur.

81

CONFIDENTIAL.

Letter.

No. P.O.L. 904

Bijapur 21-6-1950.

The Secretary to Government.,
Legal Department,Bombay.
BOMBAY.

Subject:- Appointment of 2nd Assistant Public Prosecutor,Bijapur.

Reference;-Government Memorandum Legal Department No.7227 dated 27-5-1950.

A public notice was issued on 1-6-1950 calling for applications for the post of 2nd Assistant Public Prosecutor. The following three persons have applied.

1. Shri M.K Angadi of Bijapur.
2. Shri R.R.Kodikal of Bijapur.
3. Shri S.G.Managoli of Bijapur.

A statement giving details regarding the above persons is enclosed.

I recommend Shri M.K.Angadi who has worked as Honorary Assistant for 3 years satisfactorily.

The applications accompany.

District Magistrate,Bijapur.

Through

The District Judge Bijapur w.cs.

154

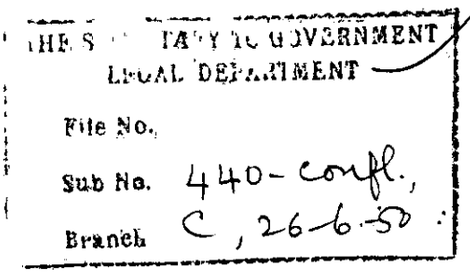
District Court, Bijapur:
23rd June 1950.

Forwarded with compliments to the Secretary to Government, Legal Department, Bombay.

2. I have known the work of Shri M.K.Angadi who has argued some appeals before me. His work is satisfactory and he seems to be suitable for the post.

3. I have to consider the case of Shri R.R.Kodical. He also has conducted some appeals before me and impressed me favourably by his work and ability. He is a very learned man in law. He has up-to-date knowledge of case-law, civil and criminal. Looking to his great learning and knowledge of law, I would also strongly urge his case for being appointed to the post in question.

4. As regards Shri S.G.Mangoli, he has not conducted any case before me. I am unable to say anything about him.



R.R.Kodical

District Judge, Bijapur.

24/6

Mn.S

Statement showing the information regarding candidates who have applied for the post of 2nd Assistant Public Prosecutor Bijapur.

S.No.	Full name.	Age and date of birth.	Religion caste and sub-caste.	Mother tongue.	Home of family.	Qualifications with dates when acquired.	Date of commence--ment of practice.	Other experience.
1	2	3	4	5	6	7	8	9
1.	Mahantappa Kallappa Angadi.	29 Years & 10 months. 23-8-1920.	Hindu (Lingayat)	Kannada.	Bijapur.	2nd Class LL.B. on 12-2-1945. Bar Council Exam on 22-3-1945.	2-5-1945.	He has worked as Hon. Asstt to the District Government Pleader for 3 years from 1-4-1947
2.	Ratnakar Rao Sunder Rao Kodical.	38 Years. 17-3-1912	Hindu (Saraswat Brahmin)	Kannad.	Puttur. South Kenara.	B.A. in 1934. LL.B. in 1936.	15-3-1937.	
3.	Sangameshwar Gangappa Mangoli.	32½ Years. 10-10-1917	Hindu (Lingayat)	Kannad.	Mangoli. Taluka Bagewadi.	LL.B. on 12-2-1945. Advocate Examina--tion on 22-3-1945.	April.1945.	

DISTRICT MAGISTRATE BIJAPUR.

NOTIFICATION.

Legal Department,
Bombay Castle, 7th July 1950.

No. 9486 .- The Governor of Bombay is pleased to appoint Shri M.K.Angadi, LL.B., under section 492(1) of the Code of Criminal Procedure, 1898, to be 2nd Assistant Public Prosecutor, Bijapur, for a period of one year with effect from the date he takes over charge. The appointment is subject to the conditions of service laid down in the Bombay Law Officers (Conditions of Service) Rules, 1939.

By order of the Governor of Bombay,

Original [P.M.LAD.]
Secretary to Government.

No. 9487
Legal Department,
Bombay Castle, 7th July 1950.

Forwarded with compliments to the Manager, Government Central Press, Bombay, for publication in the next issue of the Bombay Government Gazette, Part I. 5 copies of the notification should be supplied to this Department when published.

By order of the Governor of Bombay,

(T.P.Ghogale,)
Deputy Secretary to Government.

No. 9488
Legal Department,
Bombay Castle, 7th July 1950.

Copy forwarded with compliments for information to:-

The District Magistrate, Bijapur, with a request to communicate the date on which Shri Angadi takes over charge.
The District and Sessions Judge, Bijapur.
The District Government Pleader and Public Prosecutor, Bijapur.
Shri M.K.Angadi, LL.B., Pleader, Bijapur.

By order of the Governor of Bombay,

(T.P.Ghogale,)
Deputy Secretary to Government.

Legal Department.

Submitted.

This relates to the appointment of a 2nd Assistant Public Prosecutor, Bijapur vice Shri A.S.Patil resigned. The Local Officers were requested to submit the necessary proposals to fill in the said post. The District Magistrate, Bijapur, received three applications from Shri M.K.Angadi, R.R.Kodical and Shri S.G.Managoli. The District Magistrate recommends Shri Angadi for appointment as 2nd Asstt. Public Prosecutor on the ground that he was Hon.Asstt. to the District Govt. Pleader for the last three years. The District Judge states that Shri Angadi argued some appeals before him and that his work is satisfactory. In para.3 of his endorsement on p.154 ante, the District Judge states that Shri Kodical who conducted some appeals before him impressed him favourably by his work and ability. Shri Kodical, the D.J. further states, is a very learned man in law having upto-date knowledge of case-law both civil and criminal. In view of all these facts the D.J. strongly recommends him for appointment as 2nd A.P.P., Shri Mangoli, the D.J. adds, has not conducted any case before him; he is not therefore able to say anything about him.

2. Shri Angadi was appointed as Hon.Asstt. to the Distt.Govt.Pleader,Bijapur, in April 1947. His history sheet is put up.

3. A statement showing the details of the applicants is at p.155 ante.

26/VI

27/6

S S

The Hon. Assistant Mr. Angadi's work was found satisfactory. The D.M. recommends him, and the C.S. thinks him suitable for the post. He is a local man. On the whole, I am inclined to support his appointment.

27/6/50

H.E. Land 28/6

H.E. (+)

H.C.M.

MR 28/6

x L.D. No. 488-confl. 28.6.50 with H.S. file.

1/7/50

89 12 7 8 22 35

To

The Secretary to the Government of Bombay,
Legal Department, Bombay No.1.

Subject:- Taking charge of the office of 2nd Assistant Public Prosecutor, Bijapur.

Sir,

In accordance with Notification No.9486/7-7-1950 Legal Department, Bombay, I have assumed charge of the office of 2nd Assistant Public Prosecutor, Bijapnr, before forenoon of today i.e. 12th July 1950.

Bijapur.
12-7-1950.

Yours faithfully,
M. K. Angadi
i.e.M.K.Angadi.

14/7/12

Respectfully submitted through the Public Prosecutor Bijapur and District Government Pleader, Bijapur, and District Magistrate, Bijapur.

No. 451 of 1950.
Date:-12-7-1950.

Forwarded with compliments to the District Magistrate, Bijapur, for being submitted to the Remembrancer of Legal Affairs, Bombay.

Public Prosecutor &
Dist.Govt.Pleader, Bijapur.